

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

| | | |
|--|---|--------------------------------|
| Joyce A. Carson, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 0:11-2625-RMG |
| |) | |
| vs. |) | |
| |) | |
| Carolyn W. Colvin, Acting Commissioner |) | ORDER |
| of Social Security, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| _____ |) | |

This matter arises out of an appeal of an adverse decision of the Commissioner of Social Security finding that Plaintiff was ineligible to receive Supplemental Security Income for the period November 2006 through April 2008 because she allegedly exceeded the resource limit during this period. The Commissioner further found that Plaintiff owed funds to the Social Security Administration because the payments made during this disputed period resulted in an overpayment to her. Plaintiff has brought this appeal *pro se* challenging the decision of the Commissioner.

Defendant has moved before the Court requesting that the Court reverse the prior administrative decision and remand the matter to the agency because the findings and conclusions reached by the Administrative Law Judge appear to be in error. (Dkt. No. 42). Defendant has indicated that on remand Plaintiff will be reimbursed for any benefits withheld during the November 2006 through April 2008 and the agency will determine if Plaintiff may be eligible for additional payments during the period July 2008 through April 2010. (Dkt. No. 42-

1).

Based upon the admissions of the Defendant in this motion for remand, the Court finds that reversal of the prior decision of the Commissioner and remand to the Social Security Administration are appropriate and necessary. Therefore, the Court reverses the prior decision of the Commissioner and remands the matter to the Social Security Administration for further action consistent with this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'RMG', is written over a horizontal line.

Richard Mark Gergel
United States District Judge

Charleston, South Carolina
June 18 2013